761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: August 31, 2010

OFFICE CORRESPONDENCE

FILE NO. SH2241882

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY NOAH CORRALES #[redacted]
CENTURY STATION

Deputies Noal Corrales and Gregory P. Boling were on patrol and initiated a traffic stop of a vehicle with misdemeanor warrants attached to the license plate. The vehicle was occupied by two male Hispanics. Deputy Boling saw the driver, Suspect Nevarez, reach toward the passenger, Suspect Ham, and pass a dark object to him. Suspect Ham exited the vehicle and ran while Suspect Nevarez drove the vehicle away.

Deputy Corrales pursued Suspect Ham on foot. Suspect Ham stopped, reached into his waistband, removed a handgun, and pointed it at Corrales. Fearing for his and his partner's safety, Corrales fired two rounds from his duty weapon, striking the suspect. Deputy Boling assisted Corrales in handcuffing the suspect. A broadcast of Suspect Nevarez's description and the vehicle was made. Shortly thereafter, Suspect Nevarez was taken into custody.

Suspect Ham sustained a gunshot wound to the right thigh/groin area and one to the right buttocks. He was transported to, and treated at, Saint Francis Hospital.

A blue steel, Colt, 9mm pistol, and a stainless steel, Ruger, 9mm pistol were recovered from the scene.

On August 12, 2010, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Noah Corrales was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by Deputy Noah Corrales in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:RSP/rsp

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AUDIO/VIDEO TRACKING FORM

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INVESTIGATOR'S ACTIVITY LOG

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INVESTIGATIVE SUMMARY

INTERNAL AFFAIRS BUREAU INTERVIEW

Deputy Noah Corrales

EXHIBITS

A- Homicide Bureau Book

MISCELLANEOUS DOCUMENTS

Justice System Integrity Division Letter dated October 26, 2009
Admonition form
Diagram for reference drawn by Deputy Corrales during interview
Copy of original supplemental report with all witness information to coincide with Homicide Book pages 16 through 27
Foot Pursuit Evaluation form submitted by Century Station Sergeant Recchia
CD's of Deputy, Suspect, Witness interviews and radio traffic

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 04-16-09	Bureau/Station/Facility: Century Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 009-07658-2138-055	Date: 04-16-09 Time: 1940 hours
City or Station: Los Angeles	Nature of Incident: Deputies conducted traffic stop for warrant return. Deputy Boling approached driver side and saw driver(Nevarez) pass dark object to passenger (Ham) who then exited vehicle and ran. Driver sped away. Deputy Corrales and Boling concentrated on passenger who stumbled momentarily, dropping a handgun, then regained his balance attempting to run away, as he pulled another handgun from his waistband pointing it at deputies. Deputy Corrales fired two rounds at Ham striking him in right groin/thigh area .Driver of vehicle later captured in containment.
Location: [redacted] El Segundo Boulevard	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **(Street)** [circled], Other: ____

Lighting (*circle only one*): Darkness, Daylight, Other, **(Street Lights)** [circled]

Weather (*circle only one*): **(Clear)** [circled], Cloudy, Fog, Rain

Distance: 7-10 yards

Total # of Shots Fired by Deputy: 2

Total # of Shots Fired by Suspect: 0

Incident Type (*circle one or more*): Accidental, **(Armed Person)** [circled], **(Fleeing Suspect)** [circled], Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, **(Traffic Stop)** [circled], Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ____

Initiated by (*circle only one*): Arrest Warrant, Call, **(Observation)** [circled], One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **(Routine Patrol)** [circled]

Aero Unit? ☒ Canine Unit? ☒

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Boling	Gregory		EM **(PM)** Day	**(Regular)** Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name: [redacted]		First Name: [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]	
Last Name: [redacted]		First Name: [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph [redacted]	Home Ph [redacted]	
Last Name: [redacted]		First Name: [redacted]		M.I.	
Street Address [redacted]	City	Zip Code	Work Ph	Home Ph	

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	Mitchell	Willette		**(On Duty)**, Present during shooting, Witness to shooting, Involved in shooting
[redacted]	Recchia	Domenick		**(On Duty)**, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Figueroa	Yolanda	

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Brackpool	Chris	

PSTD Use Only
SH # 2241882

SH-R-438A rev. 3/07

See Reverse

Officer Involved Shooting

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
04-16-09	2110		

Employee #	Last Name	First Name	M.I
[redacted]	Kusch	Roderick	
[redacted]	Haynes	Laura	
[redacted]	Grote	Dinah	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	UC						
E#1	S#1	FH	BR	9	Y	Y	GS	AD

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 009-07658-2138-055

Involved Employee

E 1

Employee #	Last Name	First Name	M.I.
[redacted]	Corrales	Noah	

Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
M	H	Deputy Sheriff	Century Station	213F

ShiftTime (*circle only one*): EM (PM circled) Day
ShiftType (*circle only one*): (Regular circled) Overtime Off Duty
Intoxication/Drug Usage? ☐
Substance Used:

Hospital Admission? ☐ Hospital Name: Coroner Case? ☐ Coroner Case #: Interviewed? ☒

Hrs of sleep prior to shooting: 8
Duty Time (hrs): [redacted]
Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / (Uniform w/ Vest circled)
Other Factors:

Age: [redacted] Height: 6-01 Weight: 185

Range Qualification Date: [redacted] PPC Qualification Date: [redacted] Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] Patrol Certification? [redacted] Certification Unit: [redacted] Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]

Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber	# Shots
Beretta	9mm	2			

Field Training Officer Emp # [redacted] Last Name [redacted] First Name [redacted] M.I.

Field Training Officer Emp # [redacted] Last Name [redacted] First Name [redacted] M.I.

E __

Employee # Last Name First Name M.I.

Sex: Race: Rank Unit Assignment: Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day
ShiftType (*circle only one*): Regular Overtime Off Duty
Intoxication/Drug Usage? ☐
Substance Used:

Hospital Admission? ☐ Hospital Name: Coroner Case? ☐ Coroner Case #: Interviewed? ☐

Hrs of sleep prior to shooting: Duty Time (hrs):
Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest
Other Factors:

Age: Height: Weight:

Range Qualification Date: PPC Qualification Date: Laser Training Date:

Certified with Weapon Used? ☐ Patrol Certification? ☐ Certification Unit: Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐

Weapons Fired Brand: Caliber # Shots Weapons Fired Brand: Caliber # Shots

Field Training Officer Emp # Last Name First Name M.I.

Field Training Officer Emp # Last Name First Name M.I.

E __

Employee # Last Name First Name M.I.

Sex: Race: Rank Unit Assignment: Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day
ShiftType (*circle only one*): Regular Overtime Off Duty
Intoxication/Drug Usage? ☐
Substance Used:

Hospital Admission? ☐ Hospital Name: Coroner Case? ☐ Coroner Case #: Interviewed? ☐

Hrs of sleep prior to shooting: Duty Time (hrs):
Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest
Other Factors:

Age: Height: Weight:

Range Qualification Date: PPC Qualification Date: Laser Training Date:

Certified with Weapon Used? ☐ Patrol Certification? ☐ Certification Unit: Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐

Weapons Fired Brand: Caliber # Shots Weapons Fired Brand: Caliber # Shots

Field Training Officer Emp # Last Name First Name M.I.

Field Training Officer Emp # Last Name First Name M.I.

Officer Involved Shooting
Suspect Information

Suspect Information

S 1

Last Name: Ham		First Name: Fredrick	M.I.: G.
AKA Last Name: "Sinner" - Frog Town Gang Member		First Name:	M.I.:
Sex: M Race: H	Street Add[redacted]	City [redacted]	[redacted] & Zip [redacted]
Work Phon[redacted]	Home Phone: [redacted]	Social Secur[redacted]	Driver's Licen[redacted]
Age: 25 D.O.B. 03-06-84	Height: 5-09 Weight: 175	FBI # [redacted]	CII # [redacted]
Booking # 1886427	Primary Charge: 245(d)(2) P.C.	Secondary Charge:	12022.53 (b) P.C.
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S 2

Last Name: Nevarez		First Name: Francisco	M.I.: L.
AKA Last Name: "Frankie" - Frog Town Gang Member		First Name:	M.I.:
Sex: M Race: H	Street Address[redacted]	City [redacted]	[redacted] & Zip [redacted]
Work P[redacted]	Ho[redacted]	Social Secu[redacted]	Driver's Licen[redacted]
Age: 28 D.O.B. 04-03-81	Height: 5-06 Weight: 135	FBI # [redacted]	CII # [redacted]
Booking # 1877217	Primary Charge: 12031(a)(2)(C) P.C.	Secondary Charge:	12031(a)(2)(F) P.C.
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: BMW		Model: 528 I	Year: 2000

S__

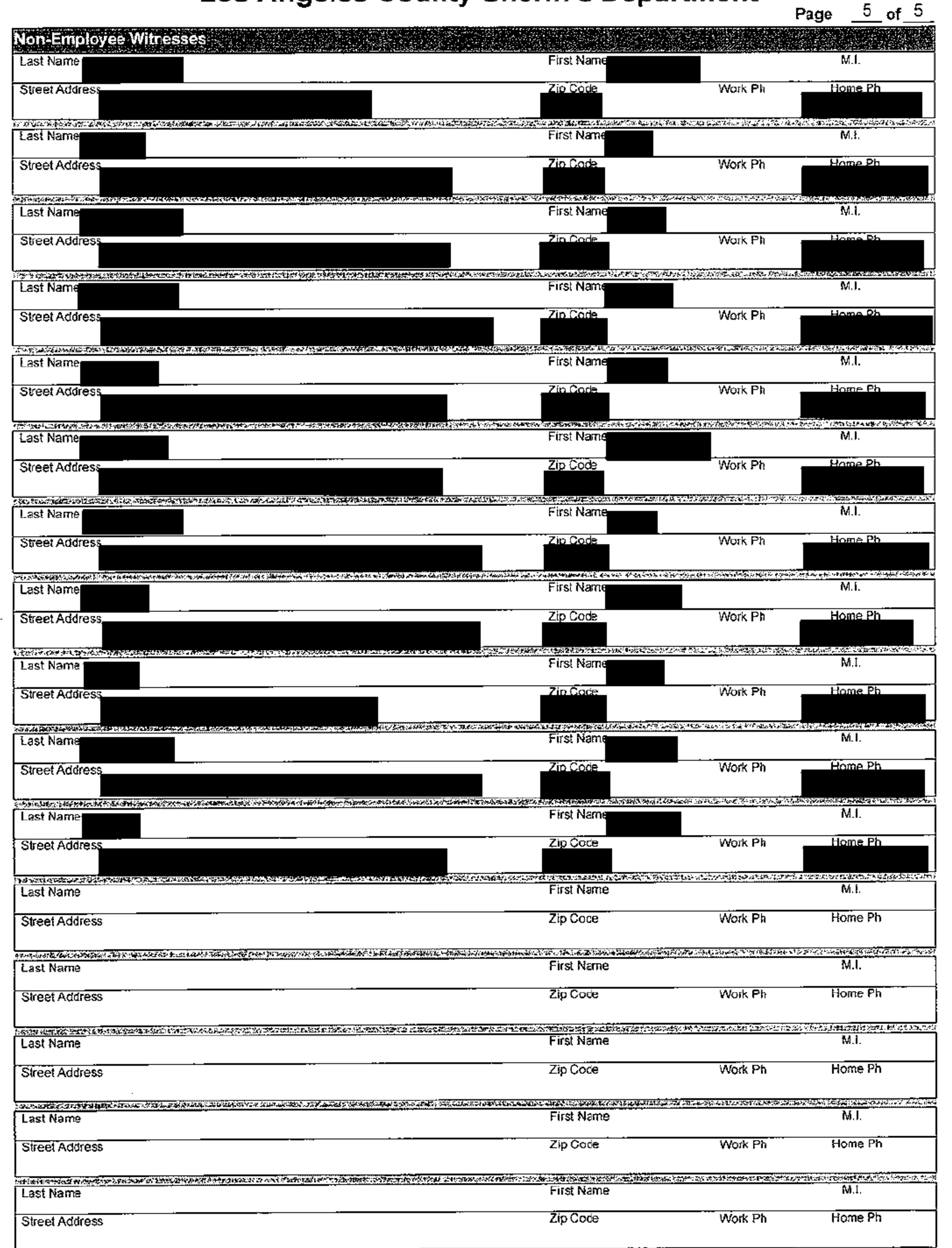
Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department



Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
DEPUTY INVOLVED HIT SHOOTING
IAB #SH2241882
URN #009-07658-2138-055

Involved Employee:	**Noah Corrales, Deputy Sheriff, #[redacted]**
Date:	**April 16, 2009 (Thursday)**
Time:	**Approximately 1939 hours**
Location:	**[redacted] El Segundo Boulevard** **Compton, California 90222**

OPENING STATEMENT:

On Thursday, April 16, 2009, Sergeants Laura Haynes and Dinah Grote, along with Lieutenant Roderick Kusch, of the Internal Affairs Bureau, responded to the 2300 block of El Segundo Boulevard regarding a Deputy Involved Shooting.

Century Station Deputy Noah Corrales, and his partner Deputy Gregory Boling, had just exited Mona Street from Century Sheriff Station and drove southbound to begin their shift in their marked radio car.

Deputies Corrales and Boling were on routine patrol when they initiated a traffic stop of a 2000 silver BMW four-door vehicle, westbound on the 2300 block of El Segundo Boulevard; the vehicle was occupied by two male Hispanics. Prior to stopping the vehicle, the deputies checked the vehicle's license plate and found there was a misdemeanor arrest warrant for "Francisco Nevarez," who was later determined to be the driver of the BMW.

Deputy Boling said once the vehicle pulled over, he saw the driver, Suspect Nevarez, reach toward the passenger Suspect Ham, extending his arm and pass a dark object to Suspect Ham. Deputy Corrales had exited the patrol vehicle prior to Deputy Boling putting the vehicle in park. Deputy Boling was alerted to the sight of Suspect Ham exiting the passenger side of the vehicle quickly. As Deputy Boling attempted to exit the patrol vehicle quickly, his mobile radio detached from his gunbelt and fell to the ground. As Suspect Ham ran from the vehicle, Suspect Nevarez accelerated and the vehicle sped away, westbound on El Segundo Boulevard. Deputy Boling fumbled with his radio, momentarily losing a visual on the suspect vehicle. In order to maintain his sights on his partner he re entered the radio car and drove parallel to Deputy Corrales, who was in foot pursuit of

Suspect Ham.

After taking a few steps, Suspect Ham stumbled and fell to the ground, dropping a blue steel handgun on the sidewalk. As he regained his balance and attempted to continue to run away, Deputy Corrales ran toward him. Suspect Ham stopped, reached into his waistband, removed another handgun and pointed it at Corrales. Fearing for his and his partner's safety, Corrales fired two rounds from his duty weapon, which struck the suspect, causing him to fall to the ground. Deputy Boling assisted Corrales in handcuffing the suspect while broadcasting a description of Suspect Nevarez and the vehicle.

Shortly thereafter, Suspect Nevarez was seen running from the vehicle. An area search was conducted and he was later taken into custody.

Suspect Ham sustained a gunshot wound to the right thigh/groin area and one to the right buttocks. He was transported to Saint Francis Hospital where he underwent surgery to remove the bullets and recovered from the gunshots.

A blue steel "Colt," 9mm pistol, and a stainless steel, "Ruger," 9mm pistol were recovered from the scene. Both pistols had a live round in the chamber and had fully loaded magazines. Additionally, Suspect Ham was wearing a pouch on his belt which contained a loaded magazine.

Two expended 9mm shell casings fired from Deputy Corrales' weapon were recovered at the scene.

Both suspects are known "Frog Town" gang members.

Internal Affairs Bureau Lieutenant Kusch checked to see that the Watch Commander, Lieutenant Brackpool, took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative. In addition, Internal Affairs Bureau Lieutenant Kusch checked to see if the Watch Commander attempted to have involved and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.

INVOLVED PERSONNEL:

CORRALES, Noah, Deputy [redacted]
Field Operations Region II
Century Station

Work History:

CORRALES, Noah
Date of Employment: 08/16/01
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

EMPLOYEE WITNESS:

BOLING, Gregory, Deputy [redacted]
Field Operations Region II
Century Station

Work History:

BOLING, Gregory

Date of Employment: 07/10/03
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

SUSPECT INFORMATION:

HAM, Fredrick, Gabriel, Booking #1886427, MH/21, DOB: 08/21/88
[redacted]

Suspect Ham has an [redacted] (Refer to **Exhibit A, Homicide Book, pages 79-106** for CII and CCHRS printouts.)

NEVAREZ, Francisco Luis, Booking #1877217, MH/28, DOB: 04/03/81
[redacted]

Suspect Nevarez has an [redacted] (Refer to **Exhibit A, Homicide Book, pages 120-127** for CCHRS printout.)

WITNESSES:

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions where applicable (Refer to **Exhibit A, Homicide Book, pages 67 - 78** for statements.)

[redacted] MH/[redacted]

Witness [redacted] said he was ordering tacos from a taco cart when he saw a male Hispanic running westbound on the sidewalk. Moments later he heard two loud gunshots, but was unsure from where. When he turned around toward the sidewalk, he saw two male deputies holding the male Hispanic he had seen running just moments before. The male Hispanic was now lying on the sidewalk.

Witness [redacted] saw one of the deputies kick a silver handgun away from the male laying on the sidewalk, then summon medical attention on his portable radio.

[redacted] MH/[redacted]

Witness [redacted] said he heard what sounded like gunfire but did not see any incident involving Deputy Sheriffs.

[redacted] MH/[redacted]

Witness [redacted] said he was putting salsa on his tacos, at the same taco cart as Witness [redacted] when he heard a single gunshot from somewhere behind him. He dove for cover and heard what he believed were one or two additional gunshots. When he looked up, he saw two male deputies holding a male at gunpoint who was laying on the pavement. The male was moving his hands in front of his body, as one of the male deputies kicked an object away from the male. Witness [redacted] did not know what object was kicked from the male.

[redacted] MH/[redacted]

Witness [redacted] said he thought he heard gunfire when he was at the market across the street from the taco cart where he works. When he arrived back, he saw a male loaded on to an ambulance and several deputy and fire personnel at the scene. He provided nothing further.

[redacted] MH/[redacted]

Witness [redacted] said while working at the taco cart he heard gunfire. He did not see who fired the gun but watched as a sole deputy arrested and handcuffed a male laying on the sidewalk. He watched as the male was loaded on to an ambulance and driven away. He provided nothing further.

[redacted] MH [redacted]

Witness [redacted] said while working at the taco cart, he heard two loud gunshots. He dropped to the ground and did not get up until he heard deputies in front of his taco cart ordering a male who was laying on the pavement to place his hands behind his back. Witness [redacted] said he never saw the male with a weapon but did observe a black handgun on the sidewalk just east of where the male was taken in to custody, and in close proximity to the male laying on the sidewalk.

[redacted] MH/[redacted]

Witness [redacted] said he pulled into the taco cart parking lot to order food. He saw a male, handcuffed, laying on the pavement with deputies standing around him. He added he saw a black handgun in close proximity to the handcuffed male on the sidewalk. He did not witness any part of the shooting.

[redacted] FH/[redacted]

Witness [redacted] who was visiting friends in the area, saw police activity but said she was too afraid to watch. She could provide no further information.

[redacted] MH/[redacted]

Witness [redacted] said he did not witness the shooting but saw a deputy pointing a gun at a male laying on the sidewalk. He watched as another deputy walked up and handcuffed the male laying on the ground. Witness [redacted] said as other deputies arrived and the area was contained, he saw two handguns laying on the ground near the handcuffed male. He did not provide anything further.

[redacted]MH[redacted]

Witness [redacted] said he was standing west of the taco cart when he saw a sheriff's patrol car with its overhead lights on, pull to the building just east of him. He watched as a male ran away from the patrol car. A Deputy Sheriff got out and chased the male ordering him to stop. He said the male continued to run from the deputy then appeared to fall down to the pavement. When the male got up he placed his hands around his upper thigh area, and he heard the deputy shoot twice. The man then fell to the ground, and the other deputy drove the radio car to where the deputy was detaining the male on the ground. He provided nothing further.

[redacted]MH[redacted]

Witness [redacted] said while bicycling to the market he saw a male laying on the ground with deputies standing around him. He provided nothing further.

[redacted]MH[redacted]

Witness [redacted] said when he exited the Chapala Market he saw deputies standing around a male laying on the ground. He provided nothing further.

[redacted]

Witness [redacted] said while at the taco cart he heard what he thought were gunshots. When he looked toward the street he saw a male laying on the ground and a deputy pointing a gun at him. He saw another deputy pull up in a radio car and handcuff the male laying on the ground. When other deputies arrived, Witness [redacted] saw two handguns laying on the ground. Paramedics arrived and treated the male.

[redacted]FH[redacted]

Witness [redacted] said she drove into the taco cart parking lot and saw a male laying on his stomach on the ground with his hands behind his back as if he were handcuffed. She said someone told her he was shot. She was frightened and tried to leave but was detained by sheriff deputies.

INJURIES:

Suspect Ham sustained two gunshot wounds, neither of which were life threatening. Suspect Ham underwent surgery and bullet fragments were removed from his right hip and stomach area, both were booked into evidence (Refer to **Exhibit A, Homicide Book, page 15**, supplemental report for suspect injury information.)

Suspect Nevarez was not injured.

No deputies were injured.

PHYSICAL EVIDENCE:

All evidence recovered by Crime lab is documented(Refer to **Exhibit A, Homicide Book, pages 40-42, 55-56, 64-65,and145-157.)** Additionally, a shooting analysis was prepared by Homicide Investigator Paul Delhauer using available information **(Refer to Exhibit A, Homicide Book, pages 233-255.)**

INVESTIGATORS' OBSERVATIONS:

Responding Internal Affairs Bureau Sergeants walked through the crime scene and noted the area was dark, with illumination from overhead street lights, and open businesses along the area of the shooting scene. There was nothing remarkable beyond what was reported and documented during the investigation.

WEAPON USED BY DEPUTY PERSONNEL:

Deputy Corrales fired two department-issued 9mm bullets from his department-issued, Model 92F, 9mm Luger semi-automatic Beretta pistol, serial #BER[redacted](Refer to **Exhibit A, Homicide Book, page 147,** Scientific Services Bureau Firearm report.) The firearm and bullets were within manufacturer specifications.

WEAPON USED BY SUSPECT:

(1) Loaded 9mm semi-automatic pistol, Colt All American brand, Model #2000, Serial #[redacted]black body and grips.

(1) Loaded 9mm semi-automatic pistol, Ruger brand, Model P89, Serial #[redacted] stainless steel body with black grips.

PROPERTY DAMAGE:

None observed or reported.

CRIMINAL INVESTIGATOR/CHARGES FILED:

Investigator: Homicide Detectives Rubino and Holston
Suspect: Ham, Fredrick
Court: Compton
Charges: One count;245(d)P.C., two counts;12021(a)(1)P.C.,
six counts; 12031(a)(1)P.C., one count;12025(a)(2)P. C.,
and one count;12316(b)(1)P.C.
Court Date: Sentenced to (4) years State Prison

Investigator: Homicide Detectives Rubino and Holston
Suspect: Nevarez, Francisco
Court: Compton
Charges: Two counts; 12031(a)(1)P.C.
Court Date: Sentenced (4) years Felony Probation; 3/22/10 Violated Probation.

LIGHTING AND WEATHER CONDITIONS

The incident occurred during darkness in the spring in Los Angeles County on April 16, 2009, at approximately 1940 hours. The area was illuminated by street lights and lights from open businesses along this bustling boulevard. Additionally, there was a half moon, which provided additional natural illumination to the scene.

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions where applicable.

INVOLVED EMPLOYEE'S STATEMENTS:

Deputy Corrales' Statement:

Century Station Deputy Noah Corrales, #[redacted] was interviewed by Sergeants Laura Haynes and Dinah Grote at the Internal Affairs Bureau Office on January 26, 2010.

Deputy Corrales said while on routine patrol with his partner, Deputy Boling, they observed a 2000, silver, BMW parked facing southbound in a No Parking zone on Mona Boulevard. Deputy Corrales, who was book man, ran the plate on his Mobile Digital Terminal, "MDT" after their "ASAP" unit captured an image of the license plate. The license plate did not return with information immediately so the deputies continued driving southbound Mona Boulevard to westbound El Segundo Boulevard. They came to a stop at 124th Street on El Segundo Boulevard when the BMW pulled beside them. The license plate then returned with a misdemeanor warrant for a male Hispanic, which matched the driver of the vehicle. Deputy Corrales said they made the decision to conduct a traffic stop on the BMW to confirm the driver was the person named on the warrant.

Deputy Corrales said Deputy Boling, who was the driver, activated his overhead lights to alert the driver of the BMW to pull over. Deputy Corrales explained the BMW slowed to the right of El Segundo Boulevard facing westbound, giving the impression they were yielding to the deputies. Simultaneously, as Deputy Corrales opened the passenger door to exit the vehicle quickly, prior to the radio car coming to a complete stop. The passenger of the vehicle, Suspect Ham, exited the passenger side and ran from the deputies. Deputy Corrales said his attention was focused on the driver of the BMW when it quickly accelerated and left the scene. Deputy Corrales now initiated a foot pursuit after Suspect Ham. He said upon the initial traffic stop he could see Deputy Boling out of his peripheral vision exiting the driver side of the radio car. His attention was then focused on the BMW and the occupants.

Deputy Corrales was now in foot pursuit of Suspect Ham who ran approximately 40 yards then appeared to trip and fall dropping a handgun to the ground. Suspect Ham got up from the ground leaving the one handgun where it fell, ran approximately 10 additional yards then turned toward Deputy Corrales with another handgun in his right hand. Believing Suspect Ham was going to shoot him or his partner, Deputy Corrales fired two rounds at Suspect Ham striking him. Suspect Ham then fell to the ground.

Deputy Boling Statement:

Deputy Boling said after putting the radio car in park, he was exiting the driver side and saw the driver of the BMW, Suspect Nevarez, lean over toward Suspect Ham and pass a dark object, which he believed was a weapon over to Suspect Ham prior to him exiting the BMW Suspect Ham exited the passenger side of the BMW before it came to a complete stop, then took off running westbound down the sidewalk.

Deputy Boling upon exiting the radio car said his hand held radio became detached from his gunbelt momentarily causing him to become entangled in the handheld mic cord. At this time the BMW sped away from the deputies.

Deputy Boling said after regaining control of his radio, and realizing Deputy Corrales was in foot pursuit of an armed suspect, he re entered the radio car to assist Deputy Corrales with Suspect Ham. He drove alongside Deputy Corrales who had already engaged Suspect Ham.

After handcuffing Suspect Ham, a containment was set up for Suspect Nevarez who was later captured in the containment. The BMW was also recovered.

> **IAB Note**: The Advanced Surveillance and Protection system, "ASAP" continuously scans all license plates and captures an image of the plates so deputies are notified with a beeping sound by the system if a vehicle has information attached to the license plate, i.e. stolen, or warrants over 30,000 dollars. Although the suspect vehicle's license plate did not return on the

dollars. Although the suspect vehicle's license plate did not return on the ASAP system, Deputy Corrales was able to capture the license plate and ran it manually through his MDT, which returned with a warrant.

SUSPECT STATEMENTS:

Homicide Detectives Rubino and Holston attempted to speak to Suspect Ham at St. Francis Medical Center regarding the Deputy Involved Shooting. Suspect Ham told detectives he did not remember anything from that night, and had to be told he had been shot. Suspect Ham was reminded he was on parole and he asked to speak to an attorney. The interview was concluded.

Detectives Poindexter and Sergeant Auner of Century Station Detective Bureau interviewed Suspect Nevarez at Century Regional Detention Facility. Suspect Nevarez told detectives he and Suspect Ham were driving to meet some girls. They were both armed with pistols for their protection when the deputies tried to pull them over. Suspect Nevarez said Suspect Ham told him to give him his gun Suspect Ham exited the vehicle with both guns and ran from the deputies. Suspect Nevarez said he left the scene because he was scared. He then abandoned his vehicle and continued to run on foot until deputy personnel captured him (Refer to **Exhibit A, Homicide Book, pages 35 and 36,** supplemental report.)



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

October 26, 2009

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 09-0248
LASD File # 009-07658-2138-055

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 16, 2009, non-fatal shooting of Frederick Gabriel Ham, by Los Angeles County Sheriff's Deputy Noah Corrales. It is our conclusion that the Deputy Corrales acted in lawful self-defense.

The following analysis is based on reports submitted to our office on June 21, 2009, by Detective Wayne Holston of the Los Angeles County Sheriff's Department (LASD), Detective Division – Homicide Bureau. The District Attorney's Command Center was notified of this shooting on April 16, 2009, at approximately 9:20 p.m. The District Attorney Response Team, comprised of Deputy District Attorney Amy Pellman Pentz and District Attorney Senior Investigator [redacted] responded and was given a briefing and walk-through of the scene by Lieutenant David Coleman. No departmentally compelled statements were considered in this analysis.

FACTUAL ANALYSIS

On April 16, 2009, at approximately 7:40 p.m., Los Angeles County Sheriff's Deputies Noah Corrales and Gregory Boling were on routine patrol in a marked black and white vehicle. Deputy Boling was the driver, and Deputy Corrales was the right front passenger.

As they drove south on Mona Boulevard near Carver Park, both deputies saw a silver BMW 528i, California license plate [redacted] parked at the west curb line, facing south. As the deputies pulled along side of the vehicle, they both saw that the vehicle was occupied by two

males, later identified as Francisco Nevarez and Frederick Ham. The vehicle pulled out ahead of the patrol vehicle, and the deputies continued behind the car.

Deputy Corrales ran the license plate to the vehicle, which returned with a [redacted] arrest warrant for Francisco Nevarez for a violation of [redacted] Nevarez turned right onto westbound El Segundo Boulevard, and the deputies followed. Deputies Corrales and Boling decided to stop the car to determine if the warrant subject, Francisco Nevarez, was inside the car. Deputy Boling activated the patrol vehicle's overhead lights, and Nevarez began to pull to the north curb line of westbound El Segundo Boulevard.

Right before the car reached a complete stop, both deputies saw the driver reach toward the passenger of the car. As Deputy Corrales was getting out of the patrol vehicle, the passenger, Ham, quickly exited the car. Ham reached for his waistband and ran westbound on the north sidewalk, as the BMW sped off westbound on El Segundo Boulevard. Deputy Corrales chased after Ham on foot, ordering him to "Stop."[1]

Ham did not comply with Deputy Corrales' order. Instead, he continued to run westbound on the sidewalk. After running approximately forty yards, Ham fell to the ground. As he did this, a black handgun fell out from underneath him. Deputy Corrales, who was approximately ten yards away from Ham, saw the gun fall and continued to pursue Ham. Ham immediately stood up and continued running from Deputy Corrales. After traveling an additional ten yards, Ham stopped and turned clockwise. Before he completed the turn to face Deputy Corrales, Corrales saw that Ham was holding a second handgun in his right hand, slightly extended out at waist level. Deputy Corrales, in fear for his life, fired two rounds at Ham, wounding him. Ham immediately fell to the ground, dropping the gun on the sidewalk.[2]

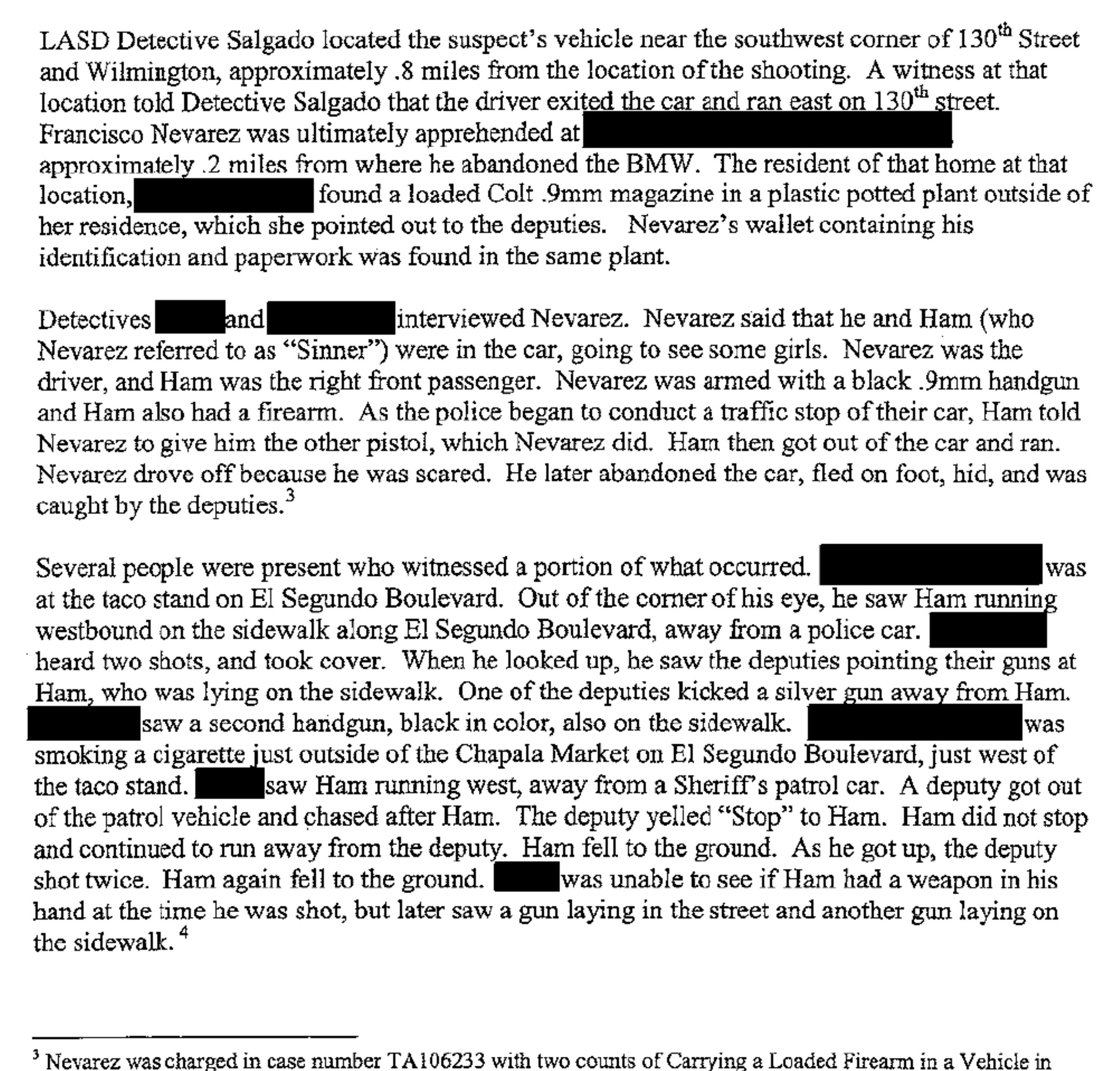
Deputy Corrales broadcasted the shooting and requested assistance and an ambulance. Deputy Boling handcuffed and searched Ham, finding a black pouch containing a loaded pistol magazine. The deputies also broadcast the last known direction of the fleeing BMW.

A loaded Colt .9mm semiautomatic handgun, black in color, was found on north sidewalk of El Segundo Boulevard. A second firearm was located just west of that handgun. The second gun was a Ruger .9mm semiautomatic pistol, stainless steel body with black grips. Both handguns were loaded, with one round in the chamber, and the safety in the off position.

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[1] Deputy Boling exited the patrol car as well. As he did this, his portable radio detached from his gun belt and fell to the ground. As he was fumbling with his radio, he looked up to see Deputy Corrales chasing Ham. Boling got back into their car, and followed his partner.

[2] Deputy Boling had driven his patrol vehicle so that it was almost parallel with Deputy Corrales at the time of the shooting. Deputy Boling heard the shots, but his view was obstructed by a parked car positioned between him and Deputy Corrales. Boling immediately exited his car, and saw both Ham and the firearm on the sidewalk.



Deputy Corrales' duty weapon was a Beretta 92F, .9mm Luger semiautomatic pistol. This firearm has the capacity to hold one chambered round and fifteen rounds in the magazine. When examined after the incident, Corrales' weapon contained one chambered round and thirteen in the magazine. Two .9mm expended shell casings were recovered at the shooting location. Those casings were fired from Deputy Corrales' service weapon.

LASD Detective Salgado located the suspect's vehicle near the southwest corner of 130th Street and Wilmington, approximately .8 miles from the location of the shooting. A witness at that location told Detective Salgado that the driver exited the car and ran east on 130th street. Francisco Nevarez was ultimately apprehended at [redacted] approximately .2 miles from where he abandoned the BMW. The resident of that home at that location, [redacted] found a loaded Colt .9mm magazine in a plastic potted plant outside of her residence, which she pointed out to the deputies. Nevarez's wallet containing his identification and paperwork was found in the same plant.

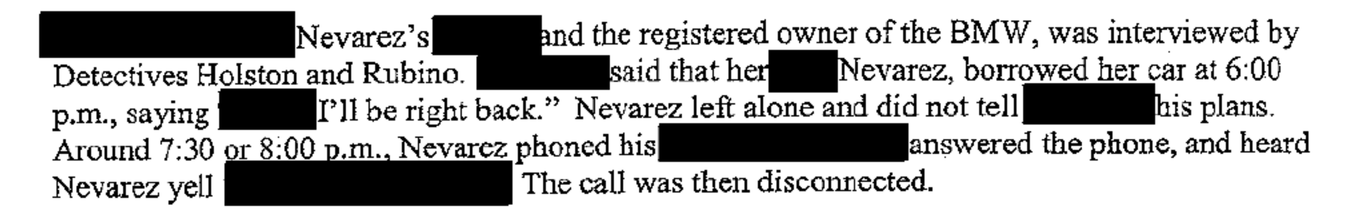
Detectives [redacted] and [redacted] interviewed Nevarez. Nevarez said that he and Ham (who Nevarez referred to as "Sinner") were in the car, going to see some girls. Nevarez was the driver, and Ham was the right front passenger. Nevarez was armed with a black .9mm handgun and Ham also had a firearm. As the police began to conduct a traffic stop of their car, Ham told Nevarez to give him the other pistol, which Nevarez did. Ham then got out of the car and ran. Nevarez drove off because he was scared. He later abandoned the car, fled on foot, hid, and was caught by the deputies.[3]

Several people were present who witnessed a portion of what occurred. [redacted] was at the taco stand on El Segundo Boulevard. Out of the corner of his eye, he saw Ham running westbound on the sidewalk along El Segundo Boulevard, away from a police car. [redacted] heard two shots, and took cover. When he looked up, he saw the deputies pointing their guns at Ham, who was lying on the sidewalk. One of the deputies kicked a silver gun away from Ham. [redacted] saw a second handgun, black in color, also on the sidewalk. [redacted] was smoking a cigarette just outside of the Chapala Market on El Segundo Boulevard, just west of the taco stand. [redacted] saw Ham running west, away from a Sheriff's patrol car. A deputy got out of the patrol vehicle and chased after Ham. The deputy yelled "Stop" to Ham. Ham did not stop and continued to run away from the deputy. Ham fell to the ground. As he got up, the deputy shot twice. Ham again fell to the ground. [redacted] was unable to see if Ham had a weapon in his hand at the time he was shot, but later saw a gun laying in the street and another gun laying on the sidewalk.[4]

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[3] Nevarez was charged in case number TA106233 with two counts of Carrying a Loaded Firearm in a Vehicle in violation of Penal Code section 12031(a)(1). He was convicted and sentenced to 3 years formal probation and 21 days in county jail.

[4] [redacted] and [redacted] also saw two handguns on the sidewalk. [redacted] and [redacted] both saw a black handgun lying on the sidewalk, east of the deputies, just after the shooting. [redacted] saw one of the deputies kick something away from Ham, but was unable to see what object was kicked.


[redacted] Nevarez's [redacted] and the registered owner of the BMW, was interviewed by Detectives Holston and Rubino. [redacted] said that her [redacted] Nevarez, borrowed her car at 6:00 p.m., saying [redacted] I'll be right back." Nevarez left alone and did not tell [redacted] his plans. Around 7:30 or 8:00 p.m., Nevarez phoned his [redacted] answered the phone, and heard Nevarez yell [redacted] The call was then disconnected.

Ham was transported to St. Francis Medical Center, where he was treated for gunshot wounds to his right hip and right lower back area. Ham was interviewed by LASD Detectives Rubino and Holston on April 22, 2009. Ham told the detectives that he did not remember anything and asked for an attorney. Ham was charged in case number TA106233 with one count of Assault with a Firearm on a Peace Officer, in violation of Penal Code section of 245(d)(2), two counts of Felon in Possession of a Firearm, in violation of Penal Code section 12021(a)(1), two counts of Carrying a Loaded Firearm in a Vehicle, in violation of Penal Code section 12031(a)(1), and one count of Illegal Possession of Ammunition, in violation of Penal Code section 12316(b)(1). It was also alleged that Ham previously had been convicted of a qualifying "strike" prior within the meaning of Penal Code section 1170.12(a)-(d) and 667(b)-(i). Ham pled no contest to a violation of Penal Code section 12021(a)(1), admitted the prior "strike" conviction, and was sentenced to 4 years in the State Prison. Ham is a member of the "Frog Town" criminal street gang with a moniker of "Sinner." His criminal record includes convictions for Penal Code section 12031(a)(1) in 2003 and Penal Code section 245(a)(1) in 2005.

CONCLUSION

According to the law in California, a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury and (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger. CALCRIM 505. If the person's beliefs were reasonable, the danger does not need to have actually existed. CALCRIM 3470.

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. Graham v. Conner (1989) 490 U.S. 386, 396-397.

The evidence examined in this investigation shows that Deputy Corrales chased after Ham, who was unlawfully fleeing from him. Ham fell, and Corrales saw that one gun lay under him. As Ham continued to run away, he stopped, pulled out a second handgun, and began to turn to face Deputy Corrales. Deputy Corrales, reasonably in fear for his life, fired his weapon twice at Ham, wounding him.

We conclude that Deputy Corrales was placed in reasonable fear of imminent danger of death or great bodily injury by Ham's actions and acted lawfully in self-defense when he used deadly force against Ham. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By Amy Pellman Pentz

AMY PELLMAN PENTZ
Deputy District Attorney
(213) 974-3888

c: Noah Corrales #[redacted]